IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

NOTICE OF MOTION NO.447 OF 2006
IN
APPEAL (LODGING) NO. 1378 OF 2005
IN
SUMMONS FOR JUDGMENT NO.634 OF 2005
IN
SUMMARY SUIT NO.979 OF 2003

Videocon International Ltd. .. Appellant
v/s.
M/s.TLG India Pvt.Ltd. .. Respondent

Mr.R.D.Soni i/bhy M/s.Ram & Co. for the Appellant.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 5TH SEPTEMBER, 2006.

P.C.

The appeal suffers from delay of 45 days. In the affidavit in support of the notice of motion, the delay is explained in para 7.

> "7. I say that being aggrieved and dissatisfied by the said order, the appellant have filed the present appeal in this Hon'ble Court. I say and submit that on merits the appellant have excellent case which requires evidence at the time of the final hearing of the suit and the Learned Single Judge has not appreciated the facts which have been stated in the affidavit in reply and the Learned Single Judge ought to have granted the unconditional leave to defend the suit. I say that there is delay of 45 days in filing the said appeal, which

> is due to the fact that the Appellant Company's Advocate Shri S.B. Palod was hospitalised because of the acid attack on him by some stranger in Ahmednagar. As the Company's Advocate being hospitalised for considerable period I could not get necessary instructions for filing the said appeal in time and more over I got busy in other assignments because of his absence. I say that due to hospitalisation of the Shri S.B. Palod, my senior colleague, I could not give necessary instructions to the advocate on record, i.e., Ram & Co. and hence there was delay in filing the said appeal. I say that this Hon'ble Court be pleased to condone the delay in filing the appeal and pass the appropriate orders in the facts and circumstances of the case."

2. We are satisfied that the aforesaid facts constitute sufficient cause justifying the condonation of delay. We, accordingly, condone the delay in filing the appeal.

3. Office is directed to process the appeal as soon as numbered.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)